IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.599 OF 2006

Mumbai Metropolitan Region
Development Authority, Mumbai .. Petitioner.
V/s.
Director of Income-tax
(Exemptions), Mumbai & Ors. .. Respondents.

Mr.J.D. Mistry with Mr.R. Murlidhar i/b. A.K. Jasani for the petitioner.
Smt.N.V. Masurkar with Mr.B.M. Chaterjee for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 7TH MARCH, 2006.

P.C. :

Heard.

2. That the petitioner has already filed reply to the show cause notice under Section 12AA(3) dated 8th February, 2006 for cancellation of registration granted under Section 12AA(i) is not in dispute.

3. As regards the notice issued to the petitioner to show cause as to why exemption under Section 11 of the Income Tax Act be not denied, it appears that no reply has been filed.

4. Since the reply has already been filed by the petitioner to the show cause notice under Section 12AA(3), we find no justifiable ground to invoke the extra ordinary jurisdiction. At this stage, the

learned counsel for the petitioner prays for withdrawal of the writ petition.

5. In the light of the submission of the learned counsel for the petitioner, we allow the writ petition to be withdrawn. We, however, observe that in the event of the Director of Income Tax (exemptions) passing an order adverse to the petitioner cancelling registration granted under Section 12AA(i) of the Income Tax Act, 1961, such order shall not come into operation for a period of four weeks from the date of receipt of the order by the petitioner.

6. All contentions raised in the writ petition are kept open to be agitated before the Director of Income Tax (Exemptions).

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)